


# International Intelligence *Forum*

*2002*



The Joint Military Intelligence College created the International Intelligence Fellows Program to strengthen intelligence relationships and enhance cooperation and understanding among senior military and civilian intelligence officials from allied nations. It is our hope that this program will contribute to stronger alliances and to greater regional security. Fellows in the program use case studies, executive exercises and seminar discussions to grapple with issues such as intelligence cooperation and coalition operations, as well as with other challenges we are likely to face into the future. This publication highlights some of the issues and principles that emerged from discussions among the Fellows during the first two-week seminar, which took place at the College during March 2002.



A. Denis Clift

*President*

*Joint Military Intelligence College*

The International Intelligence *Forum* will publish articles, letters or extended comments from International Intelligence Fellows, past, present and future, as well as from other participants in the program, to make this a true forum for the thoughtful discussion of international intelligence cooperation. Please send your written contributions to [Russell.Swenson@dia.mil](mailto:Russell.Swenson@dia.mil), Director of the JMIC Center for Strategic Intelligence Research.

**Cover Photo: Iroquois council at the home of William Johnson, near Albany, New York, in the mid-1700s. Painting by Edward Lamson Henry (1841-1919), *Johnson Hall*, oil on canvas, 1903. Photo courtesy of John B. Knox and the Albany Institute of History and Art.**

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## INTELLIGENCE ON THE MOVE: GETTING THE MOST FROM SHARED EFFORT

**Colonel Todd Bradley, USAF**

In March 2002, the Joint Military Intelligence College gathered senior intelligence officials from across Europe for two weeks of discussions on intelligence cooperation and coalition operations. During this first iteration of the International Intelligence Fellows Program, European and U.S. participants not only worked hard to better understand our common threats, but also to discuss a common vision of where our nations and organizations are headed. Additionally, sessions were devoted to improving skills in organizational leadership and management, thus strengthening senior intelligence officials' ability to effect positive change. Few of the fellows knew each other prior to the session, but strong friendships were quickly formed. Senior U.S. and European experts presented challenging and detailed briefings on a variety of issues. The briefings generated rich discussions on topics like counter-terrorism, information operations, and national intelligence partnerships with warfighters.



The International Intelligence Fellows, 2002.

## **THE IMPORTANCE OF INTELLIGENCE RELATIONSHIPS WITH ALLIES**

It is no revelation that strong alliances are powerful means for successfully implementing diplomatic and military initiatives. Strategic relationships with allies are fundamental to operational success, whether in British-U.S. signals intelligence cooperation in World War II, fifty years of NATO cooperation, the Gulf War coalition, or the rapid formation of the Implementation Force (IFOR) in Bosnia with non-NATO partners. The mix of state and non-state actors on the stage today makes the need for dependable, cooperative relationships with allies even stronger.

In recent years, U.S. intelligence agencies, military services and combatant commands have seen a significant increase in the number of these relationships. Some commands today have more than 100 formal bilateral relationships with allied nations. Why is this so? As the United States assumes the role as the surviving superpower and as virtually all allied nations are reducing their forces, why are we extending our dependence on allied intelligence information? How do we ensure that all participants are getting the greatest value from these agreements, and how do we ensure that, by trusting each other, we do not create blind spots in our collection and warning efforts?

The current strategic environment creates a need for intelligence cooperation that world and regional powers avoid at their own peril. We have little choice. Even when there were the two superpowers, allies were crucial to our maintaining awareness and projecting a credible deterrence. National interests are now challenged in many more ways. From the U.S. perspective, for example, one may only look at the linguistic challenges as crises arise in Oceania, Africa, and the Middle East. Europeans typically have far more experience and linguistic skills in areas like Africa's Great Lakes Region than does the U.S. How should we all take advantage of these special competencies that are not already shared by all? For the United States or any other actor to ignore the strengths and cooperative will of allies is a dangerous form of arrogance.

Bilateral and multilateral intelligence relationships are not merely to be tolerated, but embraced for several reasons. First, as already noted, allies can greatly compensate areas of weakness. This is especially true as we all become more involved in regional contingencies. Second, by combining our strengths with those of our allies, we share the burden, and thus conserve resources. We are "playing our best cards" as each of us focuses on what we do best. Third, it greatly reduces our blind spots in analysis. Allies often have unique experiences with and understanding of national and sub-national cultures. If any of us neglect such intelligence relationships, we will deny ourselves the differing views that are so valuable in intelligence analysis. Too often exchange participants are overly focused on receiving hard facts from their allies when this

ally's insightful assessments are just as valuable. This same rationale applies to intelligence collection as well as analysis. Fourth, intelligence relationships can greatly enhance strategic, operational, and tactical warning. Allies have a great deal to offer in this arena, as some focus on specific situations that others find they must overlook.

However, intelligence sharing is not a simple operation. It does not just happen. Trust is a crucial part of a successful intelligence relationship. To a significant extent, we must trust other nations with our information. We all recognize that this places at risk sources and methods. Also, we must ask ourselves how much we can trust the information of our allies. All this combines to make intelligence sharing a long-term relationship. It is not something that is quickly thrown together when the need is greatest. It takes time to develop trust and to learn to work smoothly together in an effective and coordinated way.

Furthermore, intelligence sharing is part of a larger context. International cooperation is bigger than just intelligence. In addition to providing a country with a larger volume of high-quality information, intelligence sharing also provides an object lesson in support of a larger agenda for accomplishing national objectives. Even if an intelligence-sharing relationship may be of little intelligence value by itself, in fact it can open doors for other ties that pay great dividends. Thus, intelligence sharing must be seen in its greater context. It is, as International Intelligence Fellow Colonel Christer Holm of Sweden said, "a part of silent diplomacy." In this bigger context, sometimes it is not the content of the sharing in itself that is most important but the mere fact that there is an exchange relationship.

All of these factors, both positive and negative, demonstrate that intelligence relationships with allies are complex and need serious attention in order to be most effective in protecting a country's national treasure and providing the greatest defense of our respective states. This is why the Joint Military Intelligence College established the International Intelligence Fellows Program. It was critical that a forum be created where we not only debate key issues and threats, but clearly understand how we should work together for the common good. Bilateral and multilateral intelligence relationships depend on continual discussion of how we can best go about this business. From the U.S. perspective, our first two-week session established several important findings.

## **OUR CHALLENGES**

### **Rapid Movement of Intelligence Information**

As allies strive to streamline their exchange of information, improvement is still needed in how the data get to military forces. If it is in a coalition's interest to share national intelligence among the partners, it is also in its interest to ensure that operational information gets to all commanders in a timely fashion. Technology is part of the answer, but agreed-upon procedures are needed to guarantee that the data go "the last mile." Additionally, participating nations should consider providing potential members of a coalition with software and protocols to prepare their networks for future link-ups or fast link-ups during an emergency. Some may think this is only a concern of some partners, since the breakdown is often at the lower levels, and may not immediately affect all members. However, it is in the interests of all coalition partners to ensure all units, regardless of nationality, receive proper force protection and threat information. The IFOR in Bosnia set an impressive example in this regard as it made tremendous efforts to ensure Russia and other non-NATO partners received the same intelligence that was received by more traditional NATO members. This success was clearly due to senior leadership making this a priority. Clear top-to-bottom understanding and clear procedures must be established and exercised frequently in order to achieve effectiveness and flexibility.

### **Sharing Domestic Intelligence with Foreign Partners**

All members agreed that great improvement is needed in this area. In most countries, this is a tremendous problem. To expand trust and smooth working relationships from the domestic to the multinational level will be a serious challenge. But it must be done. National agencies must consider the value of working closely with state or provincial police forces in order to bolster their understanding of local activities. This will have important implications at the bilateral and multilateral levels as countries cooperate in understanding and countering transnational threats. At the earliest date, key allies should convene to begin addressing the details of this problem so remedies to specific problem areas can begin to take effect. Efforts in intelligence sharing by Interpol, particularly in Europe, may point the way to defense and national security-oriented intelligence cooperation.

### **Helping New Partners Develop into Productive Allies**

Building a strong intelligence relationship must begin before the initiation of hostilities. With trust as the central pillar of a successful relationship, allies must be familiar with each other's procedures, terminology, and priorities. Efforts are already underway to more fully incorporate new NATO partners into its intelligence structure. East European services are eager to work closely with allies, but greater progress, especially at the tactical level, is needed. Also, smaller countries should consider establish-



ing themselves as niche experts. One European country wrestled with this question early in its NATO years and determined that it could play a key role in observing Soviet naval activities. This resulted in its making an invaluable contribution to the long-term effort of defending Europe. However, they did this with strong support from allies, as they were provided with technology and data that enhanced their ability to contribute. We must continue this pattern of helping new partners carve out a niche of expertise, and therefore become strong, contributing partners to the effort.

### **Problems with Common Definitions**

With continuous developments in combat operations, new terms abound. The field of information operations is a prime example of an area that has generated an abundance of new terms and a lack of consensus on how these terms will be used. What is the difference between information warfare and information operations? How does the realm of psychological operations fit with information operations? The issue of a common understanding of terms is not a new problem, as NATO has wrestled with this for years. But the pursuit of a common understanding must be continuous. In future contingencies, we will not be limited to just NATO partners, but as IFOR demonstrated in Bosnia, new coalitions will be created to deal with evolving scenarios. This fluidity will complicate any effort at using and understanding common terminology. With this in mind, it would be prudent to develop a lexicon of intelligence terms which has the broadest application outside of NATO.

### **Enhanced Cooperation between National and Operational Organizations**

Although some countries are stronger in this area than others, all of us need to work at improving the national contribution to the operational warfighter. In many cases better technologies are needed. But too many national organizations are still focused simply on providing strategic, political consumers with information and need to step up their efforts at tailored and pertinent information to forces fielded around the world.



College President A. Denis Clift and Fellows at a reception. Friendship based on trust and familiarity is a key to a mutually beneficial intelligence relationship. The Intelligence Fellows Program provides a unique occasion to strengthen this relationship.

## WHERE TO FROM HERE?

Even though intelligence relationships with allies have been an established fact for many years, there is still much room for improvement. Successfully working with an ally or set of allies remains more an art than a science and therefore requires continual attention as scenarios change and new sets of allies gather. The U.S. and its European allies frequently meet to discuss substantive issues and administrative procedures, but more educational opportunities are needed. Sessions of the International Intelligence Fellows Program create an environment where ideas flow freely, and attention can be focused on the how-to's of running successful relationships. Our common future offers the prospect for a greater number of relationships and coalitions of increased complexity. Will we know how to take the best advantage of these situations?

Immediately following the attacks on 11 September 2001, Vice Admiral Thomas Wilson, then Director of the Defense Intelligence Agency, was asked by a senator to name the most important lesson learned from 9/11. The Director responded, "That the value of being on the offensive puts [the terrorists] on the defensive." It may be a simple truism that offense provides many more opportunities than defense, but Admiral Wilson continued: "This attack was a defining point, that either adversaries will see what can be done with asymmetric attacks, or adversaries will see what we can do if we garner political will, form coalitions and use all of our capabilities. Then they will think twice about continuing the war. It is important which lesson we reinforce." The threat we all face today is worldwide; no one remains unaffected. How well will we be able to form a united front that can effectively and consistently deter and defend against such heinous threats? If we are to succeed in alerting our respective national leaders and if we are to play a vital role in defending our citizens, then it is imperative that we work together in a most efficient and thorough way. Lieutenant General Patrick Hughes, another former Director of DIA, said, "For terrorists there are 1,000 possibilities and 100 ideas for action; [of those,]10 are planned, and only one needs to be successful." That is our challenge. Can we meet it alone? Should we want to?

Special thanks to Colonel Christer Holm of Sweden and LTC Chris Terrington of the United Kingdom for their valuable contributions to this article.

## THE 1775 LARGE BELT OF INTELLIGENCE: THE FIRST U.S. MULTILATERAL INTELLIGENCE TREATY

Perry L. Pickert

Welcoming UN Secretary-General Boutros-Ghali's *Agenda for Peace* proposal at the General Assembly in 1992, President George H. W. Bush promised enhanced American intelligence support to strengthen the UN's capacity for preventive diplomacy, peacekeeping and peace enforcement.<sup>1</sup> At the time, intelligence sharing in the context of a multilateral organization was seen as a startling development and became a lightning rod for political controversy. Yet in 1775, 100 miles north in Albany, the United States established an institutionalized intelligence sharing mechanism as a component of the first treaty negotiated on behalf of the Continental Congress.

Within weeks of the first shots at Concord Bridge (19 April 1775), the Continental Congress, sitting in Philadelphia, received urgent reports from New York indicating that Colonel Guy Johnson, the King's Superintendent of Indian Affairs for the Northern Department, was preparing for a treaty conference in upstate New York with the Six Nations of the Iroquois to reaffirm their alliance and take up the hatchet to suppress the nascent Patriot insurrection. The Iroquois were situated on key terrain along the Hudson and Mohawk Rivers that covered the avenues of approach for the British from Canada. They had about 2,000 warriors who could assemble in weeks,<sup>2</sup> more than either the new Continental Army under General Washington, or the regular force that British General Guy Carleton had in Quebec.<sup>3</sup> Benjamin Franklin and some other delegates advocated neutralizing the Indians by forging an alliance with them, but others felt that Indian relationships with the British were too strong to allow that. Despite these fundamental disagreements, within weeks, the Continental Congress had:

- Established departments to administer Indian affairs
- Appointed Commissioners to collect intelligence, negotiate treaties, and conduct military operations
- Authorized apprehension of agents of the Crown attempting to influence the Indians
- Funded agents of influence to work among the Indians.
- Provided instructions for negotiation of treaties with the Indians for:

□ Neutrality

- ❑ Free Passage
- ❑ Trade
- ❑ A mechanism for consultations and intelligence sharing

For the next two years, Albany would be the epicenter of events that would have profound global implications for the nature of international relations. The King would send an expeditionary force to attack the city under the command of General John Burgoyne, who would surrender his army to the rebels at Saratoga. Within days of receiving word of the British defeat, the French Minister of Foreign Affairs, Count Vergennes, obtained permission from the court of Louis XVI to recognize the United States and conclude a treaty of alliance, turning the American Revolution into a world war.<sup>4</sup> This paper describes the context for the first U.S. treaty that institutionalized multilateral intelligence sharing, addresses the nature of the contemporary intelligence process, and considers the implications of this development for intelligence relationships within 21st Century multilateral organizations.

### **THE HISTORICAL SETTING**

In 1775, the skirmishes and encirclement of the British army in Boston were the beginning of a second global conflict in a quarter century to break out in America between the colonial empires of Spain, France and England. Just twenty-five years earlier, the British combined sea power, a relatively small land army and an alliance with English colonials and Indians to bring crushing defeat to France in what was called the French and Indian War in America and the Seven Years War in Europe. The British victory all but vanquished the French from the New World and left George III the King of the dominant military and economic power on earth with a lot of unpaid bills.

The British system for the colonization of America was accomplished with considerable political, economic, and diplomatic skill, and a bare minimum of military and bureaucratic manpower on the ground, here on the periphery of the Empire. The King made grants of land and established colonial administrations that essentially replicated the English form of government. But in America, rather than relying on an unwritten constitutional system, for the most part the colonial legislatures adopted formal charters or constitutions. One problem: the land given by the King already belonged to the Indians.

Hundreds of years before the first British colonists landed at Plymouth, the North American continent was inhabited by a number of Indian tribes that divided up the land between organized political entities. These entities had many of the attributes of the principalities that characterized the contemporary landscape of Europe. These

Indian communities varied considerably in their total population, political institutions, economic system and military capability. In some parts of the New World, the colonial powers simply conquered the indigenous population and set up a direct administration by the colonial power. But in northeastern North America the Indian tribes had sufficient political and military power to fight and defend their territory, prompting the European powers to resort to diplomacy rather than force.

The treaty of Westphalia in 1648 marked the end of the Holy Roman Empire and the beginning of the European nation-state system based on the concept of international law and the sovereign equality of states. Simultaneously, the English began the colonization of America within the larger context of the worldwide contest for colonial empires with France and Spain. By the 1750s the Upper Ohio valley was the intersection of the Imperial frontiers.

At approximately the same time, under the pressure of European settlements, the Indian tribes that came to be called the Iroquois moved from North Carolina to the area bounded by the Upper Ohio, Mohawk and Hudson River valleys. Unlike many of the more nomadic Indians of North America, the Iroquois were not only fierce warriors, but had developed a sophisticated economic and social structure. Sometime in the early 1500s two great leaders emerged and forged a confederation of tribes based on a shared founding myth or legend and the creation of permanent institutional structures.

As the story goes, in order to bring peace to the warring tribes, a Great Peace Council was called and the chiefs of the tribes sat in their traditional longhouse and conducted a ritual. They dug up and transplanted a pine tree, buried the hatchets of war and kindled a fire in the longhouse. The tree would grow symbolizing the peace and the fire would be kept burning to symbolize the permanent consultation mechanism necessary to preserve the peace. Once the peace was established, annual meetings brought together the chiefs of all the tribes. From at least the early 1600s, the Longhouse at Onondaga in western New York near Lake Ontario served as the headquarters of the Iroquois Confederation. Decisions had to be taken by unanimous agreement of all the tribes. Since the Indians had no written language, seashells strung together in belts called “wampum” were used to symbolically represent decisions and also as a mnemonic device to allow the content of a decision to be passed down in an oral tradition. Once agreement was reached, a wampum belt would be made and then taken to each of the council fires of the various tribes. The wampum belt was held high when the decision was repeated so that the people of the entire federation would know of the content of the decisions made by consensus in the Longhouse.<sup>5</sup>

## The Six Nations and the George Washington Belt

The original of this belt is the sacred agreement between the Six Nations and the original Thirteen Colonies. It is the record of a Treaty with George Washington in 1789. The house in the center is the longhouse of the Six Nations. The two figures on each side of the Longhouse are the keepers of the Eastern and Western Doors of the Confederacy. A similar belt formalized the 1775 Treaty on information sharing.

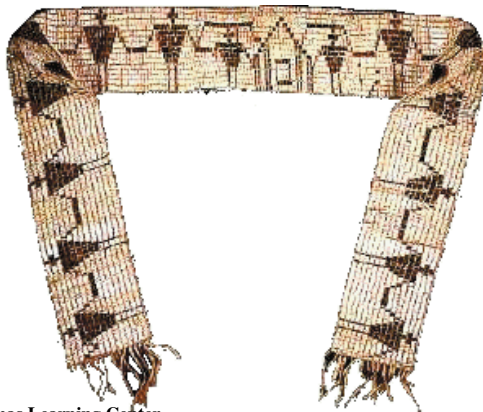


Image used by permission. Courtesy of the Jake Thomas Learning Center.

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Wampum is a small and short tubular shell bead. The beads were strung into strings or woven into belts. White beads were made from the inner whorl (columella) of the whelk. Purple (also called black) beads were manufactured from the dark spot or “eye” on the quahog clam shell.

Although individual beads have been found in the archeological record, it is believed the use of Wampum in belts dates from the fifteenth century. The Iroquois originally obtained Wampum of this form and color by trade and tribute from the “Wampum makers” of Long Island. The Iroquois did not make the beads themselves, and Wampum did not serve as a form of currency among the indigenous Iroquois.

Wampum belts, presented or received at councils, recorded significant events in Iroquois history. Woven belts were records of important civil affairs. They were a record of events, ideas, contracts, pledges, treaties or compacts between political entities. When no longer needed as a record, belts were commonly unraveled and the beads reused.

The early Dutch settlers recognized the value of the beads to the natives. They introduced contemporary technology into its production and manufactured Wampum themselves. The exchange of Wampum became an important part of diplomatic protocol whenever Indians and whites concluded a treaty or assembled for other councils. From the early seventeenth century through the end of the eighteenth century, Wampum beads evolved in form and in technology used to make them. After 1800, a group of Iroquois reinterpreted and codified their religion—the “Longhouse Religion”—which deepened the religious overtones of traditional ceremonies. Wampum in strings and belts was and still is employed in many of the ceremonies.

Wampum Fact Sheet, State Education Dept., Albany, NY, 1989 and Paul Williams, “Reading Wampum Belts of Living Symbols,” *Northeast Indian Quarterly* (Spring 1990).

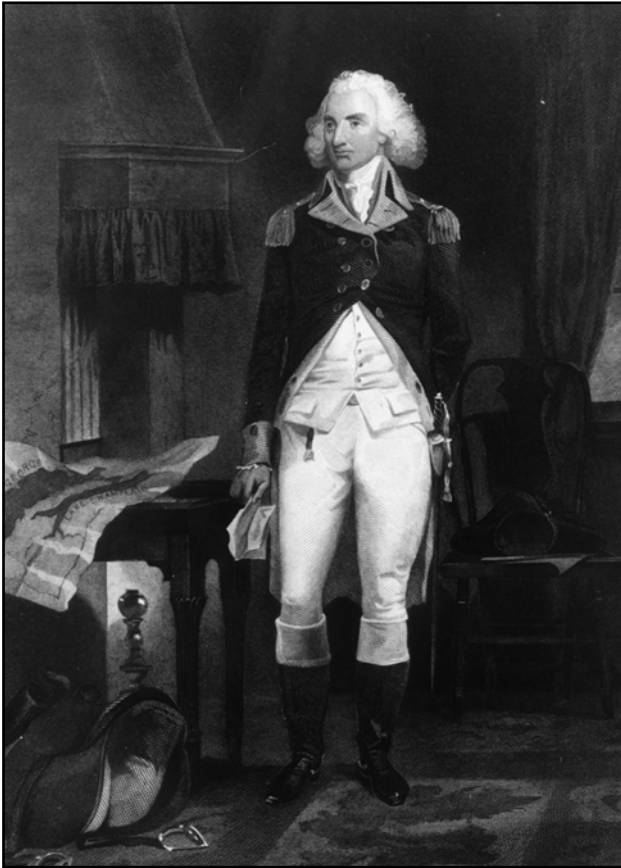
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Beginning at least as early as 1645 with an agreement among New France (a trading company), the Iroquois and the Western colonial authorities of France, Britain began to apply a combination of ritual peacemaking procedures and Western European diplomatic practices, which included making treaties between sovereign states. Prior to 1775, as indicated by historical documents, the Iroquois were involved in over 1,000 treaty conferences, mostly with colonial authorities.<sup>6</sup> During this period both Iroquois customary procedures and the diplomatic practices of the West were in a process of evolution and gradually the Iroquois became skilled in Western languages.

Some treaties concerned minor matters and were conducted in an informal manner, so the historical record is uneven. On the eve of the American Revolution, the Iroquois had developed a sophisticated institutional structure to support their internal decisionmaking and had achieved recognition by Britain, France and Spain for the purpose of concluding treaties binding under international law. In fact, it was the prospect of just such a British treaty of alliance with the Iroquois that prompted the Continental Congress to act.

The Continental Congress meeting in Philadelphia in 1775, in contrast to the Iroquois, had no international or domestic legal status whatsoever. Although the 12 Colonies had a variety of charters, constitutions, and various legal powers as granted by the British Crown, none was an independent state or nation. It would be another year before the Declaration of Independence would be proclaimed. With the approval of the Crown, the colonies had each evolved many of the attributes of a nation-state, including executive authority in governors, representative legislatures modeled on the British Parliament, standing militias, and courts with general jurisdiction. The colonies had appointed agents to deal with their relations with the Crown and to represent their commercial interests with foreign nations. The colonies had also negotiated treaties with a variety of Indian nations on issues of peace, trade, the delimitation of boundaries and purchase of land. The colonies represented in Philadelphia did not approve the draft Articles of Confederation, which explicitly gave the Congress authority to negotiate treaties with the Indians and foreign powers, until November 1777, and the Articles were not ratified by the states until 1781.<sup>7</sup> Benjamin Franklin was not appointed Commissioner to France and given a negotiating mandate until September 1776,<sup>8</sup> and the Continental Congress did not establish a committee to deal with foreign relations until November 1775.<sup>9</sup>

**The Protagonists:** Both Schuyler and Johnson were from prominent New York families and grew up among the Indians. As the Revolution broke out, each attempted to get the Iroquois to adopt a neutral position.



Painting reproduced by permission. Courtesy, American Antiquarian Society.

Philip Schuyler, a Delegate to the Continental Congress, gained appointment as Indian Commissioner and General. He was relieved of command in favor of General Gates just prior to the Battle of Saratoga because of his decision, although prudent, to abandon Ft. Ticonderoga. He had many contacts among the Oneida and Samuel Kirkland was one of his principal agents. He rebuilt his house, which he burned during the war to prevent its being used by belligerents, and it stands today in the small village bearing his name.





**Colonel Guy Johnson and Karonghyonte (Captain David Hill), oil on canvas painting by Benjamin West, 1776. Reproduced by permission. Andrew W. Mellon Collection, Photograph copyright 2002 by Board of Trustees, National Gallery of Art, Washington, DC.**

Colonel Johnson, nephew of Sir William Johnson (1715-1774), became British Superintendent of Indian Affairs upon the death of his uncle. In 1775, he assembled a force of Indians which was influential in preventing an American thrust to capture Canada. His property was seized just prior to the Battle of Oriskany. He fled to England and returned to run significant intelligence and influence agents such as Joseph Bryant (Thayendanegea) from bases in New York City and Niagara. After the Revolution, he died in London attempting to obtain restitution from the Crown for his lost estates in New York.

## **THE BRITISH ARE COMING...FROM THE NORTH WITH INDIANS**

As George Washington rushed to Cambridge, Massachusetts in early summer 1775 to assume command of the “Continental Army,” the Continental Congress received reports that Colonel Johnson, the Crown’s Superintendent of Indian Affairs for the Northern Department, planned to hold a treaty conference with the Iroquois in upstate New York to obtain an alliance to suppress the Patriots. Ben Franklin and many other members had direct experience with Indians as allies and enemies during the French and Indian Wars and as neighbors and antagonists in settling the colonial frontiers. The individual colonies had conducted bilateral and multilateral treaty conferences with Indian tribes to achieve peace and settle land disputes. The Congress saw a clear and present danger from the north, and uninhibited by the legal and bureaucratic constraints of today’s domestic politics, took direct action to deal with the threat. The action consisted of what now would be called a multidisciplinary approach including intelligence collection, law enforcement, diplomacy, covert action and military operations.

In June 1775, the Congress appointed a committee of five “to take into consideration the papers transmitted from the convention of New York relative to Indian affairs, and report what steps, in their opinion, are necessary to be taken for securing and preserving the friendship of the Indian Nations.”<sup>10</sup> On 12 July 1775, the Congress resolved that “securing and preserving the friendship of the Indian Nations appears to be a subject of the utmost moment” and that the British Administration “will spare no pains to excite the several Nations of Indians to take up arms against these colonies.”<sup>11</sup>

### **Negotiating Mandate**

Acknowledging the threat of a British alliance with the Indians, Commissioners were appointed “to superintend Indian affairs in behalf of the colonies,” with “the power to treat with the Indians within their respective departments, in the name and on behalf of the united colonies, in order to preserve peace and friendship of the [said] Indians, and to prevent their taking any part in the present commotions.”<sup>12</sup> Accepting advice from specialists in dealing with the Indians, the Congress adopted the ritual forms of Iroquois treaty making, and appointed a committee to draft the traditional opening speech of a treaty conference. On 13 July 1775 the committee reported and the Congress discussed the draft and approved it paragraph by paragraph. In addition the Congress appropriated the funds to pay the expenses of hosting the Indians as guests, to purchase the traditional presents to

exchange with the Indians and to pay for the manufacture and purchase of belts of wampum suitable to symbolize the treaty commitments.

In the text of the speech there were provisions implicitly calling for the establishment of an intelligence mechanism. For example, using the traditional institution of the council fire to cement a political alliance, the Congress requested that the Iroquois join the 12 United Colonies in rekindling the council fire at Albany for the specific purpose of consultations concerning the maintenance of the peace and neutrality and the exchange of truthful information:

This island now trembles, the wind whistles from almost every quarter—let us fortify our mind and shut our ears against false rumors—let us be cautious what we receive for truth, unless spoken by wise and good men. If any thing disagreeable should ever fall out between us, the twelve United Colonies, and you the Six Nations, to wound our peace, let us immediately seek measure for healing the breach. From the present situation of our affairs, we judge it wise and expedient to kindle up a small council fire at Albany, where we may hear each other's voices, and disclose our minds more fully to each other.<sup>13</sup>

Beyond the intelligence functions to be agreed to in the treaty, the Commissioners were also given explicit authority to conduct operations which today would be the work of intelligence services, specifically the recruiting of spies and agents of influence. The Congress gave the commissioners “the power to take to their assistance gentlemen of influence among the Indians, in whom they can confide, and to appoint Agents, residing near or among the Indians, to watch the conduct of the [King's] superintendents and their emissaries.”<sup>14</sup> The Congress went on to authorize the use of force without resort to legal process. If the commissioners “shall have satisfactory proof, that the King's superintendents, their deputies or agents, or any person whatsoever, are active in stirring up or inciting the Indians: [they] ought to cause the superintendent or other officer to be seized and kept in safe custody.”<sup>15</sup> And, in what today would be similar to the recruitment of future ministers as spies, the Congress provided funds to keep young Indian seminary students from Quebec in school in Connecticut so that they could eventually return to Canada to influence their tribes to join the Patriot cause.<sup>16</sup> Commissioners were authorized to expend funds to employ agents so that “the colonies may be informed from time to time, of every matter as may concern them.”<sup>17</sup>

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## **Excerpts from the Speech to the Six Confederate Nations [of] Mohawks, Oneidas, Tuscaroras, Onondagas, Cayugas, Senekas, from the Twelve United Colonies, convened in Council in Philadelphia 13 July 1775**

We will now tell you of the quarrel betwixt the counselors of king George and the inhabitants and colonies of America.

Many of his counselors are proud and wicked men. They persuade the king to break the covenant chain, and not to send us any more good talks. A considerable number have prevailed upon him to enter into a new covenant against us, and have torn asunder and cast behind their backs, the old covenant which their ancestors and ours entered into, and took strong hold of.

They now tell us, they will slip their hands into our pockets without asking, as though it were their own; and at their pleasure they will take from us our charters, or written civil constitutions, which we love as our lives—also our plantations, our houses, and good, whenever they please without asking our leave. That our vessels may go to this island in the sea, but to this or that particular island we shall not trade any more. And, in case of our non-compliance with these new orders, they shut up our harbors.

We think our cause is just; therefore hope God will be on our side. We do not take up the hatchet and struggle for honor and conquest; but to maintain our civil constitution and religious privileges, the very same for which our forefathers left their native land and came to the country.

What is it we ask of you?

1. We desire that you remain at home, and not join on either side, but keep the hatchet buried deep
2. The path may be kept open with all our people and yours, and to pass without molestation
3. Let this our good talk remain at Onondaga, your central council house
4. Send and acquaint your allies to the northward, the seven tribes on the river St. Lawrence, of our talk with the six nations
5. If anything disagreeable should ever fall out between us, the twelve colonies, and you the six nations, to wound our peace, let us immediately seek measures for healing our peace
6. We judge it wise and expedient to kindle up a small council fire at Albany

Brothers and Friends! (The large belt of intelligence and declaration)

Excerpted from JCC II, 178-182.

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## Samuel Kirkland



Long-time missionary to the Oneidas and Tuscaroras and founder of Hamilton College, he succeeded in keeping a large share of these two tribes loyal to the Americans. Painting by Augustus Rockwell (American, 1822-1882) Reverend Samuel Kirkland (1741-1808), ca. 1873. Oil on canvas, Hamilton College Collection 1873.2.

Courtesy of Emerson Gallery Hamilton College, Clinton, New York.

For his services in testifying before Congress and assistance in drafting the speech to the Six Nations, the Reverend Samuel Kirkland was authorized \$300 for his travel and expenses “among the Indians of the Six Nations.” The Congress also recommended to the Commissioners of the Northern Department to employ Mr. Kirkland to work among the Indians of the Six nations “in order to secure their friendship and to continue them in a state of Neutrality with respect to the present controversy between Great Britain and these Colonies.”<sup>18</sup> Congress therefore recommended hiring a minister as a spy. He turned out to be a good one.

From a military perspective, General Schuyler was “empowered to dispose of and employ all the troops in the New York department, in such manner as he may think best for the protection and defense of these colonies, the tribes of Indians in friendship and amity with us, and most effectually to promote the general Interest, still pursuing, if in his power, the former orders from this Congress and subject to the future orders of the commander in chief.”<sup>19</sup>

In essence these actions of the Continental Congress authorized the negotiation of a treaty of neutrality and establishment of a permanent consultation mechanism with the Iroquois Confederation. In addition, it authorized and funded intelligence collection operations to monitor developments in Indian country and authorized and funded covert action to penetrate the leadership of the Indian tribes

to build a consensus within the Iroquois to remain neutral in the conflict. Finally, the Commissioners were authorized to seize and hold the agents of the Crown without legal warrant.

### **The Conference at Albany**

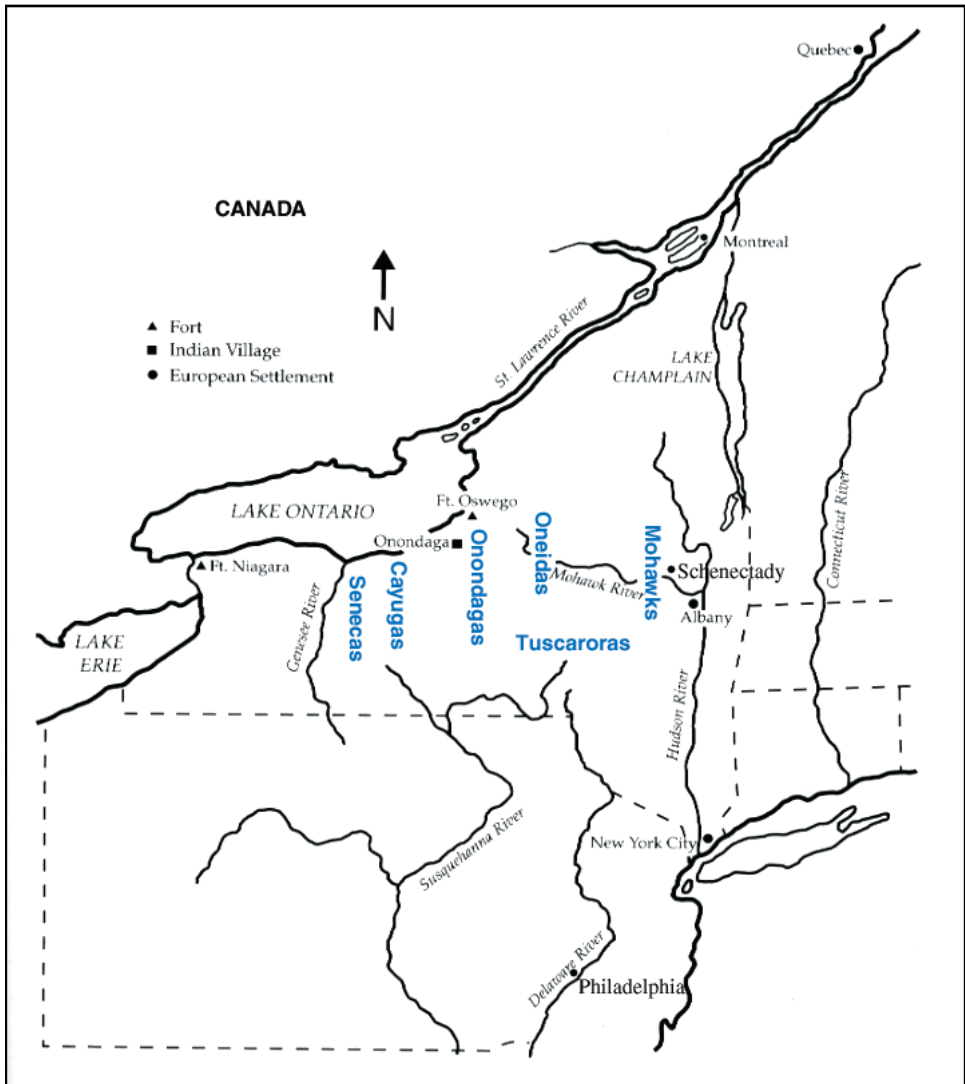
The Commissioners appointed by the Congress began a series of preliminary meetings with representatives of Indian tribes to arrange the treaty conference. Since the tribes were scattered all across the northeast they had to be contacted and invited to send representatives to the treaty-making conference. Just as in UN meetings, all the parties had to be notified, provided an agenda and requested to send representatives with full power to negotiate. The mechanism in 1775 was to call a series of preliminary conferences to set the agenda. In those preliminary meetings, the speech of the Congress to the Six Nations was provided to the Indian representatives to allow them to know exactly what was being asked so they could return to their tribal councils and obtain a consensus giving them authority to make the specific commitments under consideration at the forthcoming formal treaty ceremony. Preliminary meetings were held at German Flats along the Mohawk River in the Oneida area on 15 August and at Albany beginning 23 August. At Albany, the preliminary stage included informal sessions of smaller groups at the Indian's camps, Cartwright's Tavern, the Albany town hall and the Dutch Church.<sup>20</sup> The similarity to the annual meeting each October of the UN General Assembly on the bank of the East River is striking.

In these preliminary meetings, the Indians added items they wanted to consider for the treaty and also informed the Commissioners of those proposals in the Congress's presentation that were not acceptable to the Six Nations. For example, the Congress requested that the Six Nations approach the Caughnawagas and the seven tribes on the St. Lawrence. The Indian delegates reported that these tribes had already been recruited by the British and would not be persuaded to a path of neutrality. "Embarrassed" because they could not accomplish the mission, they returned the wampum belt. The Indians also wanted to add items including renewed trade at Albany and Schenectady, the protection of the missionaries of various faiths that were amongst the Indians, and resolution of several land disputes with the city of Albany and the colony of New York.

### **Treaty Session**

The formal presentation of the Speech to the Six Nations began on 26 August and took two days. The conference was adjourned to allow the Indians to deliberate. On 31 August, Abraham, a Mohawk chief, gave the answer, thanking the commissioners for the provisions they had received while at Albany and accepting one by one the points of the Congressional speech providing for rekindling the council fire and the status of neutrality. He tactfully omitted reference to the mission to the

## The Six Nations of the Iroquois



Map revised from the original by Armen Sarrafian in Timothy J. Shannon, *Indians and Colonists at the Crossroads of Empire: The Albany Conference of 1754* (Ithaca, NY: Cornell University Press, 2000), 19.

## Red Jacket



Seneca chief Red Jacket fought at the Battle of Oriskany and later became a famous orator and civil leader. In his right hand he holds a peace pipe-tomahawk apparently presented to him by the U.S. Government.

Painting used by permission. Courtesy of the New York Historical Society. Accession number 1893.1.

## The All-Purpose Tool of Diplomacy



Pipe-Tomahawk owned by Red Jacket.

Image used by permission. Courtesy New York Historical Society. Accession number 1862.1.



Canadian Indians, but forcefully repeated the issue of the land disputes with New York. With respect to the issue of intelligence sharing he was more explicit than the Congressional speech:

Brothers: The Six Nations desire you would always inform them full of what respects them. We have for this purpose opened our ears, and purified our mind that we may always hear and receive what you have to say with good and clear minds. And *whenever we receive any important intelligence, we shall always bring it to this council fire.*

Brothers: You have now finished your business and we have made short replies. You have *kindled up a council fire of peace, and have planted a tree of peace* according to ancient custom. We find that you have omitted one thing, which is this: According to our ancient custom, whenever a council fire was kindled up, and a tree of peace was planted, *there was some person appointed to watch it.* Now, as there is no person appointed to watch this tree, we of the Six Nations take upon us to appoint one. Let it be the descendant of our ancient friend Queder.<sup>21</sup> He has to consider whether he will take charge of it. He that watches this council fire is to be provided with a wing, that he may brush off all insects that come near it, and keep it clean. That is the custom at our central house; *we have one appointed for that purpose.* [emphasis added]

Brothers: You delivered us this pipe. On one side the tree of peace, on the other a council fire: we Indians sitting on one side of the fire and the representative of the Twelve United Colonies upon the other. You have desired that this pipe may be left at our central council house, and that the tree of peace may be planted, and the branches may be so high as to be visible to our allies.

The following day the American Commissioners gave their answer. Concerning trade and the protection of missionaries, they endorsed the Iroquois proposals. However, they said that they were not authorized at this conference to deal with land issues, but that they would report the Iroquois concerns to the Congress in Philadelphia. With respect to the appointment of individuals to maintain the council fire:

*the Twelve United Colonies have appointed General Schuyler and Mr. Douw, both of this Town, to keep the fire burning, that it may illuminate the country of the Six Nations, who may always see the way down to it, and may sit in peace around it.*<sup>22</sup>

### **The Process of Intelligence Sharing**

It was not long before the consultation process was tested. The threat from the British in Canada prompted General Schuyler to leave the conference just days before its conclusion to proceed to Fort Ticonderoga about 90 miles to the north. He had dispatched a Captain Baker and some Green Mountain Boys on a mission “with a view only to gain intelligence” and with “express orders not to molest the Canadians or Indians.” They discovered a party of Indians and exchanged fire, killing two. General Schuyler sent word immediately to the council fire at Albany. The American commissioner called a council and reported:

#### *Commissioner:*

Brothers: We are now assembled to smoke a pipe, and the subject of our meeting at this time is important. You remember when we rekindled the ancient council fire at this place, and settled all matters, *we agreed that whatever intelligence should be received from any quarter, and might be depended upon, was to be disclosed.* The letter from General Schuyler is this: That a party of five men went from Ticonderoga, of their own motion, without any orders, towards St. John’s [in Canada], and in their travel along the lake discovered a canoe of five men, and discerned some of the party to be Indians. The Captain of the party, who went off without orders, attempted to fire at the party in the canoe; but his gun missing fire, he hammers his flint, and then looked from behind the tree where he stood, and was instantly shot in the head by some one in the canoe, and expired in a moment; his four men then returned the fire, and killed two Indians who were in this canoe, it is said they were of the Caughnawaga Tribe [that is, not the Six Nations]...It is far from General Schuyler’s intention to pluck one hair from an Indian’s head, or to spill one drop of Indian blood. He therefore desires the Six Nations to turn out one or two from each tribe, to go immediately to the Ticonderoga and Caughnawaga and assist him in settling this matter with the Caughnawagas, that peace may be preserved between the English and Indians, agreeable to the desire and direction of the Twelve United Provinces, whom we now represent.

#### *Answer of the Indians*

Brothers, Commissioners appointed by the Twelve United Colonies, attend: We take the liberty now to instruct you here to settle this unhappy affair. You are first to pull the hatchet out of the head of the deceased, dig up a pine tree and then throw the hatchet into the hole; this is to be done with a white belt. By a second belt you must say ‘you cover the dead bod-

ies and the hatchet in the same grave, never to be found again.' The second belt must be large.

Brothers, the Commissioners appointed by the Twelve United Provinces, attend: As we had already got through our publick business, and so happily, every thing to our mutual satisfaction, we did not expect to be called together again. But, brothers, an affair has happened which again calls for our publick attention.

Accidents will happen; it is not in our power to prevent them. The occasion of this meeting is truly melancholy; yet we thank you that you have called us together, and given us the earliest intelligence of this sorrowful affair. We are certainly satisfied as to our brother Mr. Schuyler's disposition toward us; we cannot but think it is entirely foreign from his intention that one drop of Indian blood should be spilt in the present quarrel.

*Their Intended Speech to the Caughnawagas:*

Brothers of the Caughnawagas, attend: We have been upon a treaty with our brethren, the Commissioners appointed by the Twelve United Provinces, who have spoke with us altogether of peace. Just as we had finished our publick business, news of your misfortune reached our ears.

Brothers: We beg you to compose yourselves, and possess your minds in peace. We are assured nothing is designed against you; what has been without order or even the knowledge of the great Warriors; the commanders at Ticonderoga or Crown Point. Therefore, brothers we hope you will not lay it too much to heart, but for the present sit still until the unhappy affair may be settled. In the mean time, brothers, we do by this belt invite you down to our central council house, where we will communicate to you the transactions of this Congress, and confer together on our other affairs. And for the greater dispatch, brother, we desire you will rise directly, and send a few only of your people to our central council fire as soon as possible.<sup>23</sup>

## THE CHALLENGE OF NEUTRALITY

The strategic significance of the Hudson and Mohawk River Valleys as the bread basket of the Colonial Army and an avenue of approach for a British counterattack to divide and crush the American Revolution, made Iroquois neutrality an ephemeral goal.

A week before the treaty conference at Albany, the Crown's superintendent for Indian affairs, Colonel Johnson, unable at Fort Oswego to get the Six Nations to take up the hatchet, fled to Montreal with about 200 Indians. He called a conference of northern Indians mostly from Canada where he was able to assemble "1,700 and upwards" to join the British cause. The Americans had also sent emissaries, including a Stockbridge Indian to recruit the Caughnawagas, but without success.<sup>24</sup>

At the same time General Schuyler informed the council fire at Albany of the incident near Fort Ticonderoga, he also sent a report of the incident to the Continental Congress with cautionary instructions "to communicate no more of this letter than is absolutely necessary to any body." He reported that his Canadian correspondent had informed him that the incident had "induced some of the Indians of that tribe to join the British forces at St. Johns' in Canada." He suggested "perhaps a few Indians of the Six Nations might be willing to join the Army under my command."<sup>25</sup> The necessity of war pushed both the Americans and the British to begin aggressively subverting the neutrality of the Confederation.

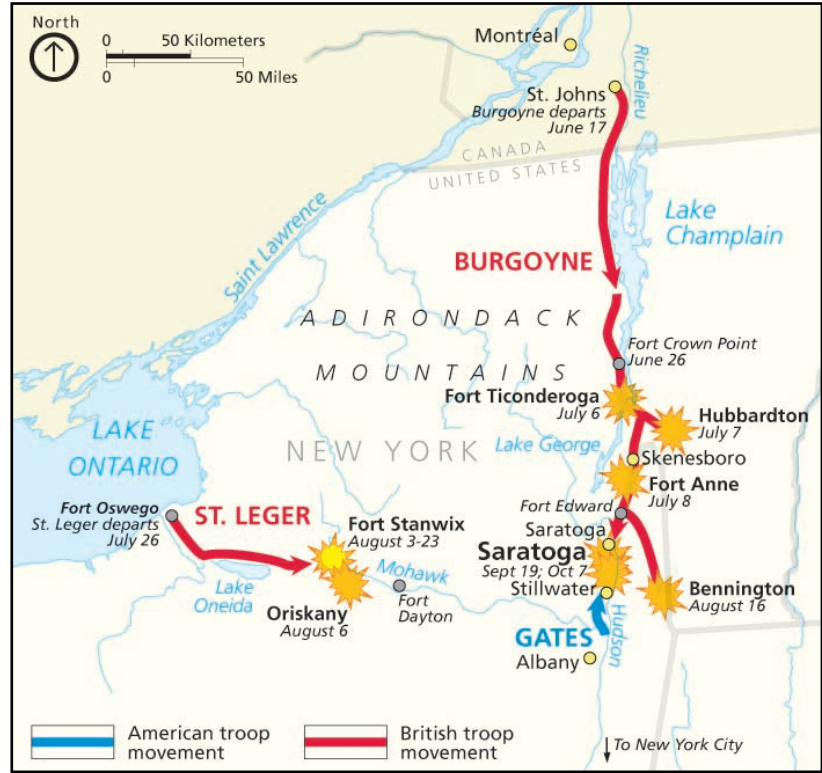
Major General Schuyler proceeded to lead the American army of about 2,000 men to attack St. John's, just below Montreal in Canada, while another force under Benedict Arnold moved up the Kennebec River through Maine accompanied by some Indian scouts. The British had only about 800 regular troops in Canada. Indians provided intelligence to Colonel Johnson of the American advance, and under the command of two British officers, fewer than 90 Indians, mostly Caughnawagas with a few from the Six Nations, laid an ambush for the Americans near Fort St. John's. There were roughly equal casualties on each side but the American advance was halted. Another attack on the fort a few days later failed and the Americans withdrew. However, the Indians felt the British had let them bear the brunt of the American attack and many returned to their villages. Arnold went on to attack Quebec, but decimated by disease, was unable to overcome the city's defenses and withdrew. The 1775 American attempt to take Canada came to naught.<sup>26</sup>

At first General Washington was reluctant to break Indian neutrality, but in May of 1776 he recommended that in order to prevent the enemies' communication with the upper country from Canada and to secure the frontier, that the Commissioner at

Albany “be directed to use the utmost Endeavors to procure the Assistance of the Indians to act against the enemies of these Colonies, and authorized payment of \$50 Pennsylvania Currency for every prisoner and free plunder of the Garrison to take Fort Niagara.<sup>27</sup> On 5 May 1776, the Continental Congress approved recruitment of Indians for the Continental Army.<sup>28</sup>

In the North Country, 1776 was quiet. Colonel Johnson had returned to England for consultations.<sup>29</sup> The cannon captured from the British at Fort Ticonderoga were transported over the ice of Lake George and by land in the dead of winter to Boston, making the British defensive positions untenable and forcing withdrawal. From Canada, General Sir Guy Carleton conducted a probing action to the south. He reached Fort Ticonderoga and found its defenses improved, requiring a siege. With winter approaching, he decided to withdraw and return in the spring with a larger force.<sup>30</sup>

**The Campaign of 1777**



Map courtesy of the U.S. National Park Service, Department of the Interior.

General John Burgoyne had been deputy to General Carleton during the probe of the defenses at Fort Ticonderoga and had been present at the siege of Boston. He was concerned at the timidity of the British leadership. He circulated his "Thoughts" for a more aggressive campaign plan to the high command in February 1777.<sup>31</sup> He proposed securing the Champlain-Hudson line in order to divide and conquer the colonies. He would attack and secure Albany from the north, moving down Lake Champlain and Lake George supported by a diversionary force from the west, landing at Oswego on Lake Ontario and then following the Mohawk River Valley to Albany. The plan was to link up with General Howe, who held New York City at the time of the planning. In reviewing these "Thoughts" and approving Burgoyne's appointment as commander, King George made a marginal note on the plan, "Indians must be employed."<sup>32</sup> By June Burgoyne was at the command of a British army composed of 8,000 regulars, German mercenaries, loyalists and over 2,000 Indians marching on Albany from the north and the west.

In support of the impending operation, the British based in Niagara had made several attempts to revitalize the covenant chain and enlist the Iroquois to the British cause. In three conferences, the Iroquois refused and would "receive no Ax from either the King or the Bostonians."<sup>33</sup> There was great discord in the Iroquois Confederation. The majority of the Oneida and the Tuscaroras favored the Americans and the western tribes leaned toward the British. But each tribe was divided into three factions; pro-British, pro-Patriot, and neutral. On 19 January 1777 a delegation of Oneida chiefs came to Fort Stanwix to report that because a devastating pestilence had swept the Onondaga, "the Central Council fire is extinguished" which meant, as Samuel Kirkland described it, "dissolving their Body-politic."<sup>34</sup> Major John Butler attempted to call a meeting at Niagara but influential Oneida refused to attend. Thus no new consensus decision could be made according to the rules of the Confederacy to change the policy of neutrality.

In the west, as the commander of the diversionary force, General Barry St. Leger, moved toward Fort Stanwix, a war council was called at Irondequoit, at the mouth of the Genesee River. After a flood of rum and presents, British Major Butler brought out two old large wampum belts symbolizing the ancient alliance between the Iroquois and the King. For two days and nights, the Indians maintained their neutral stance but then Major Butler brought on more rum and more presents and the decision was made to join the British. On 18 July, at Three Rivers, in a ceremony dominated by Seneca, the ceremony of taking up the hatchet was then formally conducted.

St. Leger proceeded to surround the fort. In a show of force, he shelled the ramparts and had his Indian allies appear in war paint at the edge of the woods, making their traditional war whoops. He sent a delegation under a flag of truce to present an ultimatum to the fort. Surrender or face scalping and pillage with no quarter, and the Indians would be turned loose on the settlements of the Mohawk Valley. The commander refused. He knew help was on the way.<sup>35</sup>

But so did the British. Receiving word from his Indian scouts that the Patriots had sent a detachment to relieve the fort, St. Leger ordered Major Butler with a mixed force of about 20 rangers and 400 Indians, mostly Seneca and Mohawk, to set an ambush near the Indian settlement of Oriska. General Nicholas Herkimer, leading about 800 New York Militia and some Oneida from the Oriska settlement, marched right into the trap.<sup>36</sup> The battle continued for several hours with significant casualties on both sides. The Patriots stood their ground, but unable to reach the fort, withdrew in the face of heavy casualties.

On the British side, the Indians had suffered the greatest number of casualties: 33 killed and 29 wounded. When the Indians returned to their camp, they found it had been left undefended by the British and had been destroyed by an American raiding party from the fort, leaving them without food, clothing, tents and utensils.<sup>37</sup> So resentful were the British Indian allies that a band of warriors later invaded the Oriska settlement burned it to the ground, destroying the Oneida crops and driving away the cattle.<sup>38</sup> About ten days later, unable to penetrate the walls of the fort with his light artillery, and upon hearing of a large force approaching from Albany, St. Leger decided to lift the siege and withdrew to Canada.<sup>39</sup> Unopposed, Benedict Arnold arrived with about 900, breaking the siege.<sup>40</sup>

On 14 September, 90 miles to the east at Albany, about 300 men, women and children of the Six Nations arrived, mostly Oneidas and Tuscaroras, but a few from the Ononadaga and Mohawk. Most of the warriors took hold of the belt signifying acceptance of the hatchet from the Americans. They had taken thirty prisoners and intercepted several of Burgoyne's dispatches to his superiors in Canada.<sup>41</sup>

### **Neutrality "Cut in Bits"**

As General Burgoyne neared the site of the peace tree at Albany, the neutrality treaty had been broken. The Six Nation council fire at Onondaga had been extinguished, and the confederacy was no longer functioning as a decisionmaking organization. Beyond the ritual of paper treaties, wampum belts, and symbolic pipes, the reality on the ground was war. The Oneida and the Tuscarora tribes had

sided with the Americans and moved into abandoned barracks in Schenectady, to the northwest of Albany. In the West, with winter approaching, Indian elders, women and children fled to the fort at Niagara as refugees from the intertribal warfare where the tribal councils for the Mohawks, Onondagas, Cayugas, and Senekas operated under the management of the British.<sup>42</sup>

### **Saratoga**

Approaching Albany, General Burgoyne abandoned his concept of maneuver warfare and marched directly toward fortified positions, outnumbered more than two to one. By the time he reached the vicinity of his objective, his force was reduced to 6,000 British and Germans, just two-thirds of the force that had approached Ticonderoga six weeks earlier. His plan to link up with General Howe would prove illusory since Howe had just occupied Philadelphia. He faced a rebel force of 16,000 that was increasing day by day.<sup>43</sup> It was two hundred miles back to Canada and winter was approaching. He stalled for time, quibbling over the terms of surrender, hoping against hope for reinforcements to arrive from the south. After a change of the title of the document from “capitulation” to “convention,”<sup>44</sup> the deal was done and the formal ceremony took place on 17 October 1777.

In his after-action report, Burgoyne blamed the rigors of the march, the defection of the Indians, the desertion or timidity of the Canadians and loyalists and the failure of other armies [Howe] to cooperate.<sup>45</sup> St. Leger also placed full blame on the Indians.<sup>46</sup> On the march from Canada, Burgoyne had used his Indians as very effective scouts, as a screening force for the army and for raiding parties. He had counted on the psychological effect of Indians. One rebel officer commented, the woods were “so infested with savages as to render it exceeding hazardous to send small parties,” forcing the garrison to send only large units.<sup>47</sup>

It must be pointed out that the British were unwilling to commit their soldiers in direct attack on fortified American positions. The Indians were quick to notice they were always at the greatest risk and suffering the greatest casualties. The British appeared to be willing to fight to the last drop of German and Indian blood. In the end, the Indians voted with their feet. The victorious American, General Gates, reported to Congress the Indians of the Six Nations that “have taken up the hatchet” in our favor have been of “great service.”<sup>48</sup>

The battle at Saratoga remains today the most important military victory in American history. Had Burgoyne occupied Albany, it might have been the last major battle of the revolution. In terms of the history of American diplomacy, the American victory prompted France to recognize the United States and sign a



treaty of alliance. The multilateral treaty of neutrality, intelligence, and covert action with the Iroquois made a significant contribution.

## **PREEMPTIVE DIPLOMACY**

The initiative taken by the Continental Congress to negotiate a multilateral neutrality treaty did not, in the end, prevent some Iroquois warriors from taking up the hatchet in the British cause, but it did have important political and military consequences. The treaty provoked a serious debate among the Iroquois as to the proper course of action in the case of all-out war between the British and the Colonies. Since the formal Iroquois Council meetings decided issues by consensus, and even though the British had the support of the warrior leadership of four of the six tribes, it was impossible for the British to change the Confederation neutrality policy. Thus, when the British did achieve agreements to fight these were not alliances but a few warriors acting as individuals, not the tribes nor the confederacy acting as a whole under its normal consultation procedures. The failure to achieve a consensus decision in the Longhouse deprived pro-British warriors of the Six Nations of the unity that was their strength. Fighting for the British lacked legitimacy.

Political Intelligence and covert action were vital. General Schuyler in the north and George Morgan in the middle department ran extensive agent networks within the various tribes. Because the official policy of the Six Nations was neutrality, the warriors favoring one side or the other who were pressing for war alienated two other factions that were ripe for recruitment. The King's Superintendent, Colonel Johnson, commented that the Oneida's missionary Kirkland provided "Indian intelligence to all parts" even before Colonel Johnson himself had received it.<sup>49</sup> From Pittsburgh, the Commissioner for the middle department sent his Indian agents north to Onondaga and penetrated Indian conferences.<sup>50</sup> Since the decision-making was by consensus even within the separate tribes, a few dissenters could prevent action. Had Colonel Johnson been able to unify the Six Nations to operate directly against the rebel forces in the area around Albany in anticipation of Burgoyne's assault and disrupted the massing of the Colonial forces, the story might have been different. In late summer 1777, the councils in several tribes were deadlocked. The decisions that were taken in the end to join the British came too late and involved too few to influence a battle on the scale of Saratoga.

For the Six Nations, the preliminary Battle of Oriskany was the defining moment. It was of enormous significance because, according to Graymont, it marked the beginning of a civil war in the Confederacy.<sup>51</sup> The following year the bickering continued with several acts of reprisal between the Indian tribes. The British encouraged the intertribal warfare as part of a scorched-earth policy in coordination with the Loyalists to deny the Continental Army its breadbasket. General

Washington, considering the unstable frontier a potential launching point for a British strike from Detroit, instructed Major General John Sullivan to conduct a punitive expedition to the Mohawk Castle.<sup>52</sup> On the way a number of Seneca and Delaware towns were burned. The operation earned General Washington the Iroquois name “Town Destroyer.”<sup>53</sup> It became clear that the many Iroquois would not lay down the hatchet until the British did.<sup>54</sup> When the American Army departed, the Seneca and Mohawks raided Oneida settlements. Since France and Spain had entered the war against Britain, the Upper Ohio and Mohawk Valleys were at the vortex of a civil war (Six Nations) within a civil war (Loyalist v Patriots) within a world war (Britain v United States-France-Spain). Yet, the threat of a major British invasion from the north or an American thrust into Canada had ended.

### **The Peace**

Most belligerent acts ended after the British surrender at Yorktown in 1781, but a formal end to the hostilities between the Colonies and the Six Nations came at Fort Stanwix on 22 October 1784. Compliance with the treaty of neutrality determined the fate of the Iroquois nations. On 15 October 1783, the Continental Congress provided the justification for its policy in draft instructions for the Commissioners appointed to conduct the treaty negotiations:

That the Indians notwithstanding a solemn treaty of neutrality with Congress at the commencement of the war; notwithstanding all the advice and admonition given them during its prosecution, could not be restrained from acts of hostility and wanton devastation, but were determined to join their arms to those of Great Britain and to share their fortunes, so consequently with a less generous people than Americans they might be compelled to retire beyond the lakes; but as we prefer clemency to rigor, as we persuade ourselves that their eyes are open to their error and that they have found by fatal experience that their true interest and safety must depend on our friendship.<sup>55</sup>

In the Treaty of Peace with the United States, the Crown had failed to protect the Indian rights contained in its treaty agreements with the Indians and essentially left the Indians to fend for themselves with respect to their claims to the vast area west of the Ohio River. While the treaty was between the United States, in Congress assembled and the Sachems (Chiefs) and Warriors of the Six Nations, the tribes received quite different individual treatment. The United States of America gave peace to the Senecas, Mohawks, Onondagas and Cayugas, and received them in to their protection, but they had to cede their land claims to the U.S. On the other hand, the Oneida and Tuscarora nations were not treated as if they had been at war and were “secured in the possession of the lands on which they are settled.”<sup>56</sup>

### **The End of Intelligence**

Immediately after Saratoga, General Schuyler sent a wampum belt to the Six Nations with a warning to make peace with Congress. As the belt traveled west it reached the Cayuga where it was cancelled. They forwarded a new message more favorable to the British.<sup>57</sup> The consultation mechanism was dead.

In 1780, a group of Onondagas, who had gone to live with the Oneidas after the destruction of their village, left to go to Niagara where they could be with most of their tribe. They brought with them wampum belts that constituted the archives of the Six Nations. On 25 March 1780, Cakadorie, son of late Chief Bunt, delivered to Colonel Guy Johnson the seven belts that the Americans had presented to the Iroquois between 1775 and 1776. The next day, he brought the pieces of a large belt given by the Americans. The Onondagas had cut it to bits in anger after the destruction of their village.<sup>58</sup>

### **The Council Fire at Albany**

Although the consultation and intelligence-sharing organization created by the ancient Six Nations and the nascent United States functioned for only two years, it brought several significant innovations in the evolution of international relations. The traditional Indian ceremonial ritual of a continuous fire staffed by appointed representatives of tribes for the purpose of consultations when placed in the context of a treaty arrangement constituted one of the significant developments.<sup>59</sup> Such an arrangement in a bilateral context between two sovereign nations would have been an innovation—perhaps the first international organization created by treaty. But because the Six Nations of the Iroquois were a security and consultation organization with a headquarters and formal rules for procedure for decisionmaking, and they had treaties with France, Spain and Britain, they certainly constituted a *multilateral* organization for the purpose of treaty making.<sup>60</sup>

The new Continental Congress was also an international organization linking the separate colonies. In the summer of 1775 the Congress had no established headquarters and no charter or constitution, but the decisionmaking body existed in Philadelphia. With the creation of the Continental Army and the authorization to negotiate treaties, the Congress had taken the first steps toward becoming a nation state. However, in 1775 it had not achieved this status. Even with the approval and eventual ratification of the Articles of Confederation, the United Colonies were closer to an international organization than a nation state. It was very much like the current European Union. Interpreted in this light, this means that the treaty at Albany was a treaty between two international organizations.<sup>61</sup>

Yet the treaty at Albany went a step further. These two international organizations, by kindling the council fire and appointing a permanent staff, created another international organization for the purpose of consultation, intelligence sharing, and dispute settlement with respect to a treaty of neutrality. They established a third level of international organization—an international organization created by two international organizations. The closest analogy from the contemporary world is the verification mechanisms that were established by the North Atlantic Treaty Organization (NATO) and former Warsaw Pact members providing for commissions to monitor exercises under the umbrella of the Organization for Security and Cooperation in Europe (OSCE). Treaties providing for permanent consultation mechanisms between international organizations, such as the council fire at Albany, did not reappear until second half of the 20th Century.<sup>62</sup> Recently, the OSCE and NATO have cooperated with respect to activities but there is no formal treaty between the two organizations establishing a third level of organization.

In the contemporary language of UN Secretary-General Boutros-Ghali's *Agenda for Peace*, the council fire at Albany was a confidence-building measure in support of a neutrality treaty. Its mandate was the exchange of information in support of preventive diplomacy with the goal of preserving peace. Intelligence was to be provided at the initiative of the parties to the treaty to prevent misunderstanding and to facilitate problem solving in good faith. As with the Six Nations and the United Colonies, only when there is unity of purpose to achieve a common goal will the organization have the power to succeed. From the day the fire at Albany was kindled, mixed motives led the parties to prepare for war. It never had a chance.

At Saratoga, the first new nation<sup>63</sup> was born in an exercise of self-determination. Yet imperialism and nationalism would dominate the next two centuries. The Continental Congress would disappear in a decade. The words from Chief of the Onondagas Cannassatego, repeated at the treaty conference at Albany, still ring true today:

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At Albany, at the closing of the conference, in welcoming the Six Nations agreement to establish a peace and kindle a council fire, the American Commissioners invoked the mythic story of the symbolic act founding the Six-Nation Confederation and quoted the words of advice that the Onondaga Chief Cannassateego had give to the colonies at the treaty conference between the Six Nations and Virginia, Maryland and Pennsylvania in June 1744:

Brethren: Our business with you here, besides rekindling the ancient council fire, and renewing the covenant and brighten[ing] up every link of the chain, is in the first place to inform you of the advice that was given about thirty years ago, by your wise forefathers, in a great Council which they held at Lancaster, in Pennsylvania, when Cannassateego spoke to us, the white people, in these words:

‘Brethren, We, the Six Nations, heartily recommended union and a good Agreement between you, our brethren; never disagree, but preserve a strict friendship for one another, and thereby you as we will become the stronger. Our wise forefathers established union and amity between the Five Nations; this has made us formidable; this has given great weight and authority with our neighboring Nations. We are a powerful confederacy; and if you observe the same methods our wise forefathers have taken, you will acquire fresh strength and power. Therefore, whatever befalls you, never fall out with one another.’ These were the words of Cannassateego.

Brothers: Our forefathers rejoiced to hear Cannassateego speak these words. They sunk deep into their hearts. The advice was good; it was kind. They said to one another, The Six Nations are a wise people; let us hearken to their counsel, and teach our children to follow it. Our old men have done so. They have frequently taken a single arrow, and said, Children, see how easy it is broken. Then they have tied twelve together with strong cords. And our strongest men could not break them. ‘See,’ said they, ‘this is what the Six Nations mean. Divided, a single man may destroy you; united you are a match for the whole world. (Excerpt from Deloria, 35.)

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## ENDNOTES

1. George H.W. Bush, “Address to the UN General Assembly in New York City, 21 September 1992,” *Weekly Compilation of Presidential Documents* 28, no. 39 (28 September 1992): 1697-1701.

2. *Handbook of North American Indians*, Volume 15, Northeast, ed. Bruce G. Trigger (Washington, DC: Smithsonian Institution, 1978), 421.

3. Barbara Graymont, *The Iroquois in the American Revolution* (Syracuse, NY: Syracuse University Press, 1972), 75 (Hereafter cited as Graymont).

4. Richard M. Ketchum, *Saratoga* (New York: Henry Holt and Company, 1997), 446 (Hereafter cited as Ketchum).

5. Francis Jennings, ed., *The History and Culture of Iroquois Diplomacy* (Syracuse, NY: Syracuse University Press, 1985). (Hereafter cited as Jennings).

6. Jennings, "Descriptive Treaty Calendar," 157-208.

7. See <http://www.articlesofconfederation.com>.

8. *Journals of the Continental Congress 1774-1789*, Vol II (Washington, DC: Government Printing Office, 1905), 93 (Hereafter cited as JCC). See <http://www.yale.edu/law-web/avalon/diplomacy/france/fr1778i.html>.

9. JCC III, 392.

10. JCC II, 93. The committee consisted of Philip Schuyler, Patrick Henry, James Duane, James Wilson and Philip Livingston.

11. JCC II, 174.

12. JCC II, 175.

13. JCC II, 183. Another version of the wording which reflected the Commissioners' intent concerning the intelligence sharing mechanism was provided by the American commissioners at another treaty on 10 October 1775, at Pittsburgh: "Brothers: If any other Nation or Nations should take up the Tomahawk and Endeavor to Strike us it would be Kind in you to give us Notice and Use your best Endeavors to Prevent the Stroke, for it must be your Interest to live in Peace and Amity with such near and Powerful Neighbors and this is all we Ask. A String to Each Nation," Reuben Gold Thwaites and Louise Phelps Kellogg, *The Revolution on the Upper Ohio, 1775-1777* (Port Washington, NY: Kennikat Press, 1908) 97.

14. JCC II, 176.

15. JCC II, 176.

16. JCC II, 177.

17. JCC II, 176.

18. JCC II, 187.

19. JCC II, 194.

20. Vine Deloria, Jr. and Raymond J. DeMallie, *Documents of American Indian Diplomacy*, (Norman, University of Oklahoma Press, 1999), 30-34.

21. Peter Schuyler (1657-1724), Indian Commissioner in New York. See Jennings, 250.

22. Deloria, 43.

23. Deloria, 48.

24. Graymont, 67.

25. Deloria, 47.

26. Graymont, 75-76.

27. JCC IV, 394.

28. JCC IV, 395.

29. Graymont, 86.

30. Ketchum, 41.

31. Ketchum, 84.

32. Ketchum, 85.

33. Graymont, 95.

34. Graymont, 113.

35. William Colbrath, *Days of Siege: A Journal of the Siege of Fort Stanwix in 1777*, ed. Larry Lowenthal (Eastern National Park and Monument Association: Easter Acorn Press, 1983).

36. Allan D. Foote, *Liberty March: The Battle of Oriskany* (Utica, NY: North Country Books, 1998); Graymont, 132.

37. Graymont, 138.

38. Graymont, 142.

39. Graymont, 144.

40. Graymont, 146.

41. Graymont, 150.

42. Graymont, 161.

43. Ketchum, 434.

44. Ketchum, 424.

45. Ketchum, 434.

46. Graymont, 145.

47. Ketchum, 161.

48. Graymont, 155.

49. Graymont, 64.

50. Gregory Schaaf, *Wampum Belts and Peace Trees: George Morgan, Native Americans and Revolutionary Diplomacy* (Golden, CO: Fulcrum Publishing, 1990).

51. Graymont, 142.

52. The large, fortified village that served as the gathering place for Mohawk tribal councils and headquarters and refuge in time of war.

53. Graymont, 221.

54. Graymont, 220.

55. JCC XXV, 685.

56. Mike Kusch, *The Making of History, Treaties of Fort Stanwix 1768 and 1784* (New York: Presto Print, 1998), Section 3. See <http://digital.library.okstate.edu/kappler/index.htm>; <http://digital.library.okstate.edu/kappler/Vol2/treaties/nat0005.htm>.

57. Graymont, 158.

58. Graymont, 229.

59. The modern history of international organizations generally begins with the Rhine River commissions which were separate treaty regimes negotiated in the context of the Congress of Vienna beginning in 1815. The Congress of Vienna was a conference and met upon invitation. It had no permanent secretariat or founding treaty. Michael G. Schechter, *Historical Dictionary of International Organizations* (Lanham, MD: The Scarecrow Press, 1998), xxi.

60. The UN Charter in Chapter XII, Articles 57 and 63, expressly authorizes the UN to conclude trustee agreements with states and with other international organizations; that is, specialized agencies. For a discussion of the characteristics of an international organization that are necessary for it to have the capacity to conclude treaties and a brief review of the treaty-making power of international organizations, see Ian Brownlie, *Principles of Public International Law*, 4th ed. (Oxford, UK: Clarendon Press, 1990), 681-684.

61. Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, Vienna, 21 March 1986, not yet in force. Signatories: 38, Parties: 26. Text: Doc. A-CONF.129-15, <http://untreaty.un.org/>.

62. Confidence- and Security-Building Measures (CSBMs) under the Organization for Security and Cooperation in Europe are provisions for the exchange and verification of information regarding the participating States' armed forces and military activities, as well as certain mechanisms promoting co-operation among participating States in regard to military matters. The aim of these measures is to promote mutual trust and dispel concern about military activities by encouraging openness and transparency. The current provisions evolved in three stages: the Helsinki Final Act regime (1975-1986), the Stockholm Document regime (1986-1990), and the Vienna Document regime (1990/1992/1994/1999), URL <http://www.osce.org/docs/english/csbme.htm>. However, the Helsinki act is not a treaty. In the NATO Partnership for Peace arrangement, Eastern European nations have been brought into a partnership status with NATO, but they are associated with NATO as individual states and there is no treaty link to the Warsaw Pact, <http://www.nato.int>.

63. Seymour Martin Lipset, *The First New Nation* (New York: Basic Books, Inc., 1963).



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